

IC 16-34

ARTICLE 34. ABORTION

IC 16-34-1

Chapter 1. Public Policy Concerning Performance of Abortions; Use of Public Funds; Civil Actions

IC 16-34-1-1

Childbirth preferred

Sec. 1. Childbirth is preferred, encouraged, and supported over abortion.

As added by P.L.2-1993, SEC.17.

IC 16-34-1-2

Public funds; payment restricted

Sec. 2. Neither the state nor any political subdivision of the state may make a payment from any fund under its control for the performance of an abortion unless the abortion is necessary to preserve the life of the pregnant woman.

As added by P.L.2-1993, SEC.17.

IC 16-34-1-3

Private or denominational hospitals; mandatory abortion services

Sec. 3. No private or denominational hospital shall be required to permit its facilities to be utilized for the performance of abortions.

As added by P.L.2-1993, SEC.17.

IC 16-34-1-4

Physician or employee; mandatory participation in abortion

Sec. 4. No:

(1) physician; or

(2) employee or member of the staff of a hospital or other facility in which an abortion may be performed;

shall be required to perform an abortion or to assist or participate in the medical procedures resulting in or intended to result in an abortion, if that individual objects to such procedures on ethical, moral, or religious grounds.

As added by P.L.2-1993, SEC.17.

IC 16-34-1-5

Participation as condition of training, promotion, or privileges; prohibition

Sec. 5. No person shall be required, as a condition of training, employment, pay, promotion, or privileges, to agree to perform or participate in the performing of abortions.

As added by P.L.2-1993, SEC.17.

IC 16-34-1-6

Discrimination based upon moral beliefs; prohibition

Sec. 6. No hospital or other person shall discriminate against or discipline a person because of the person's moral beliefs concerning abortion.

As added by P.L.2-1993, SEC.17.

IC 16-34-1-7**Civil actions**

Sec. 7. A civil action for damages or reinstatement of employment, or both, may be brought for any violation of sections 4 through 6 of this chapter.

As added by P.L.2-1993, SEC.17.

IC 16-34-1-8**Prohibition on coverage of abortion by qualified health plan; exceptions**

Sec. 8. A qualified health plan (as defined in IC 27-8-33-3) offered under Subtitle D of Title 1 of the federal Patient Protection and Affordable Care Act (P.L. 111-148) may not provide coverage for abortion, except in the following cases:

- (1) The pregnant woman became pregnant through an act of rape or incest.
- (2) An abortion is necessary to avert the pregnant woman's death or a substantial and irreversible impairment of a major bodily function of the pregnant woman.

As added by P.L.193-2011, SEC.5.

IC 16-34-1-9**Findings; compelling state interest**

Sec. 9. (a) The general assembly finds the following:

- (1) There is substantial medical evidence that a fetus at twenty (20) weeks of postfertilization age has the physical structures necessary to experience pain.
- (2) There is substantial medical evidence that a fetus of at least twenty (20) weeks of postfertilization age seeks to evade certain stimuli in a manner similar to an infant's or adult's response to pain.
- (3) Anesthesia is routinely administered to a fetus of at least twenty (20) weeks of postfertilization age when prenatal surgery is performed.
- (4) A fetus has been observed to exhibit hormonal stress responses to painful stimuli earlier than at twenty (20) weeks of postfertilization age.

(b) Indiana asserts a compelling state interest in protecting the life of a fetus from the state at which substantial medical evidence indicates that the fetus is capable of feeling pain.

As added by P.L.193-2011, SEC.6.